

REMARKS

The amendments herein do not constitute an admission regarding the patentability of the amended subject matter and should not be so construed. Applicant reserves the right to pursue canceled subject matter in this or any other appropriate patent application.

The Examiner has required restriction of the application to one invention under 35 U.S.C. § 121. Specifically, the Examiner identifies the inventions as being:

Group I includes Claims 1-5 drawn to a compound and its composition of formula (I) (however, Applicant believes that the Examiner meant Claims 1-6);

Group II includes Claims 6-8 drawn to a method for producing the compound and composition of Group (I) (however, Applicant believes that the Examiner meant Claims 7-8);

Group III includes Claim 9 drawn toward a use of the compound of formula (I) or the pharmaceutically acceptable salts thereof in the manufacture of a medicament for preventing fibrosis;

Group IV includes Claim 10 drawn to a method of treating fibrosis disease, administering an effective amount of compound or composition of Group I.

Pursuant to 37 C.F.R. § 1.142, Applicant hereby elects to prosecute the invention encompassed by Group I without traverse. Claims 1-3 are canceled; Claim 4 is rewritten into its complete form; Claims 5-6 and 8-10 are amended; new dependent Claims 11-25 are added.

Applicant reserves the right pursuant to 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected invention during the pendency of the present application. In the event of allowable product claims, Applicant reserves the right to request rejoinder of process claims that depend from or otherwise include all the limitations of allowable product claims.

In accordance with the provisions of MPEP § 821.04, Applicant will rejoin Group IV claims with Group I claims after an allowable set of claims has been indicated by the Examiner. The scope of Group IV claims will be amended to be commensurate in scope with those of Group I claims after an allowable set of claims has been indicated by the Examiner.

CONCLUSION

Applicant submits that this paper fully addresses the Office Action mailed June 16, 2008. No fees are believed to be due in connection with this submission. However, if Applicant is incorrect in any event, the Commissioner is authorized to charge any fee due to Deposit Account No. 23-2415 (referencing attorney docket no. 34569-716).


Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned attorney at (858) 350-2300 or (858) 350-2304.

Respectfully submitted,

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By: _____


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